

ODELL WILL TRY GUDEN.

Governor Orders Sheriff to Appear Before Him Next Tuesday.

HAS POWER TO REMOVE.

Consultation in Albany Between the Executive and Attorney-General on the Case.

Special to The Evening World.

ALBANY, N. Y., Jan. 28.—Gov. Odell this afternoon ordered Sheriff Gudén, of Kings County, to appear at the Executive Chamber next Tuesday to answer the charges made against him by Bert Reiss.

Gov. Odell has said nothing regarding Gudén's holding office, so it is to be presumed that the Sheriff will continue in his position until the hearing is ended.

The Attorney-General and Gov. Odell were in consultation today regarding this matter. As the Governor did not take any action it is to be presumed that he prefers to hear testimony first.

Great latitude is lodged with the Executive in these matters. For any reason that may appear to be for the public good he may remove the Sheriff. It is not necessary that the charges shall involve a crime.

Lieut.-Gov. Woodruff was also in consultation with the Governor, and it is said that he has assured him that he is heartily in action with the Governor's action.

The fact that the Governor has decided to hear these charges in person is said to be very much against Gudén. Usually a commissioner is appointed to take testimony.

Lieut.-Gov. Woodruff's point-blank declaration that he wanted the Gudén scandal probed to the bottom shows he has not been backing up the Sheriff.

To The Evening World reporter he said today: "It is absolutely false that I went to Gov. Odell and asked him to hush the matter up. On the contrary I am in sympathy with everything he has done and will do to run the scandal down. He has no other course to pursue. He positively does not believe that an agreement with Gudén as to fees existed. Why I backed up the bill changing the office of sheriff from a fee to a salary office."

"Sheriff Gudén was the choice of Mr. Dady, and until his name was proposed the night he was nominated I had never heard of him mentioned in connection with the office."

NEW TUNNEL RULES MADE.

State Railroad Commission Orders Important Changes Made in 24 Hours.

SPEED OF EIGHTEEN MILES

General Superintendent Blodgett Denies that He Has Received Orders from Albany.

The State Railroad Commission has sent an order to the management of the New York Central and Hudson River Railroad to the effect that—

The speed of trains in the tunnel must be reduced to eighteen miles an hour. No soft coal to be used while running through the tunnel.

Ground glass instead of pressed glass must be used on the smoke, light, and circular instead of flat windows.

The green on the cautionary signals must be of a lighter shade than the present color.

These orders must be obeyed within twenty-four hours.

An Albany world reporter called today at the offices of the New York Central to make inquiries concerning these orders. President Newman, it was said, was out of the city and would not return for two days. General Manager Franklin, it was also said, was out of town.

General Superintendent Blodgett said in answer to inquiries by The Evening World reporter that he had not received the order and knew nothing whatever about it.

Drop of Forty Degrees Up State.

SARATOGA, Nov. 28.—The mercury dropped forty degrees during the night and checked the rush of surface waters that were flooding the upper Hudson. The mercury this morning dropped to zero.

JEROME IS SUMMONED.

Called on to Answer to Alleged Assault on Coroner's Clerk.

HEARING ON TO-MORROW.

Coroners Hold a Secret Meeting to Protest Against District-Attorney.

"JEROME A BULL."

—CORONER SCHOLER.

Jerome behaved as a bull in a china shop, and I hope you will quote me as saying so.—CORONER SCHOLER.

District-Attorney Jerome was served with a summons this afternoon to appear in Centre Street Court to-morrow morning at 10 o'clock and answer a charge of willful and malicious assault, preferred by John T. Murray, Coroner's clerk.

This is the outcome of the fracas in Coroner Goldenkranz's court yesterday afternoon.

The summons was served by Louis Harenkopf, managing clerk for David W. Rockmore, of No. 61 Park Row. Harenkopf is a friend of Murray and consented to serve the summons. Murray feared to go near Jerome again.

Harenkopf met Mr. Jerome in the elevator and followed him to the door of his office.

"Excuse me, Judge," he said, "I have a paper for you."

"What the devil is this?" growled the District-Attorney.

"It is a summons for you to appear in court to-morrow morning to answer a charge of assault."

Jerome's eyes flashed and he turned a bit pale.

"All right. Give it to me. I'll be there."

Murray refrained from taking any action in the matter until the Coroner's conference, which had been going on all day.

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VERY LATEST NEWS IN BRIEFEST FORM.

WOMAN IN BLACK STARVING IN STREET.

A mysterious woman in black came to the police booth at Sixty-sixth street and Eighth avenue, at 2 o'clock this afternoon, and told Roundsman Kavanagh that she was sick and destitute and hungry. The roundsman sent out for food and then called an ambulance, and sent the woman to Roosevelt Hospital. She said her name was Louise Metzger, twenty-eight years old, and that her address was No. 287 Fifth avenue. Inquiry at the address given showed no such person was known there.

At Roosevelt Hospital the woman refused attendance and said she would go home.

HOSPITAL TO RESUME BUSINESS.

The directors of the Manhattan Eye and Ear Hospital after hearing reports as to the condition of the building to-day decided that patients would be received for treatment to-morrow as usual.

FATALLY SHOT IN ATTACK ON STREET CAR.

TERRE HAUTE, Ind., Jan. 28.—H. H. Hagerman, a Seelyville miner, who was shot by a trainman during an attack on an inter-urban car Friday night, died to-day. Three trainmen, who are under bond charged with shooting with intent to kill, will be rearrested and charged with manslaughter. The cars are running on schedule time to-day and traffic is very light.

RICH'S ODD WILL.

Josiah Rich, who died at No. 315 West One Hundred and Twenty-ninth street, Nov. 19 last, in his will filed to-day, divides his property between a Mrs. Tallman and his wife.

NEW \$7,000 JOB SUGGESTED BY LOW.

Mayor Low at the meeting of the Board of Estimate to-day brought up the subject of an engineer for the Board and moved that when the Aldermen approved of such an office the salary be \$7,500. This was approved.

CONSOLIDATED EXCHANGE ELECTS FIVE NEW MEMBERS.

The following new members of the Consolidated Stock Exchange were elected to-day: J. R. Heintz, Ward E. Eager, Howard Carleton, J. S. Rockwell Carhart and William H. Hall, jr.

HANGED HIMSELF IN HIS ROOM.

Ferdinand Ohler, forty years old, living at No. 91 Second street, killed himself this afternoon by hanging in his room.

LATE RESULTS AT NEW ORLEANS.

Fifth Race—Beana 1. El Ghor 2. Star Cotton 3. Sixth Race—Emma A. M. 1. Sandflea 2. Crescent City 3.

BONNER TELLS WHY HE LEFT FIRE DEPARTMENT.

Under an order by Recorder Goff, Assistant District-Attorneys Train and Ordway on behalf of the District-Attorney's office, and John D. Lindsay and George Gordon Battle, took testimony to-day from Hugh Bonner, former Chief of the Fire Department, in the cases of Former Fire Commissioner Scannell and William L. Marks, under indictment for conspiracy to defraud the city.

This course was made necessary by the coming departure of Bonner for Manila, where he will organize a fire department.

According to Bonner's testimony, he passed, as Fire Chief, upon all supplies to be used in the Department, and his recommendations were accepted by the Commissioner.

It also developed that Bonner was in no way forced out of the Department. He was under Commissioner Scannell for a year and five months, and at the time of his resignation was asked by the Commissioner to reconsider his action. The reason of his resigning was his wife's dread, especially after the Windsor Hotel fire, that, in performing his duty, he would meet with injury or death.

THREE PLATOON POLICE SYSTEM DOOMED.

An official whose name would carry weight because of his close relations to Mayor Low, said this afternoon:

"The three platoon police system is doomed. Its days are numbered and the number is exceedingly small. In days that can be counted on the digits of one hand, Commissioner Murphy's bright idea will be only a memory."

The results shown yesterday in the emergency caused by the explosion at Forty-first street settled it. It found the Police Department unable to get more than 268 men.

Commissioner Partridge realizes this now, after yesterday's awful experiences, and it will be only a question of three or four days when the three platoon system will go.

MRS. WEIN DIED ON HER WAY UP TOWN.

Mrs. Julia Wein, sixty years old, was riding in a north bound car on the Broadway line at 1:30 o'clock this afternoon, when she was suddenly taken ill. The car was stopped between Thirtieth and Fourteenth streets, and Dr. Curran, from St. Vincent's Hospital, was summoned. The old lady was dead when he arrived. Mrs. Wein was well dressed and lived at No. 451 East Eighty-fourth street.

HAD 400 POUNDS OF DYNAMITE THERE.

Contractor McDonald Admits that Magazine Held This Amount When the Morning Work on His Section Began.

Contractor McDonald, of the Rapid Transit tunnel, said this afternoon that he did not know as yet the exact cause of the accident.

He admitted the receipt at the magazine yesterday morning of 400 pounds of dynamite, but said that probably four-fifths of this amount had been used by the time of the explosion, leaving on hand at that time about 100 pounds.

He said the nearest blast was 130 feet south of the middle line of Thirty-ninth street, or nearly two blocks away from the scene of the explosion.

Sub-Contractor Ira Shaler appeared before the directors of the Rapid Transit Subway Construction Company to-day. The meeting was held in August Belmont's office, and among those present was Cornelius Vanderbilt.

The entire matter of the explosion was gone over and Mr. Shaler was put through an exhaustive examination.

"We can't tell just how much dynamite we had until we have secured copies of old bills showing how much we had used in our section of the Subway," said James A. Dunne, of Whalen & Dunne, attorneys for Contractor Shaler, this afternoon. Shaler himself declined to speak about the explosion or the responsibility for it.

"There was nothing like the 900 pounds estimated by Chief Croker," continued Mr. Dunne, "nor the 500 pounds which Expert Jennings estimated to have been exploded."

"There seems to be a misunderstanding concerning the amount of

MCDONALD'S CONTRACT MAKES HIM RESPONSIBLE.

John B. McDonald's rapid transit contract with the city of New York provides that:

"Whenever blasting is necessary all necessary precautions must be exercised by the contractor, and before blasts are fired the same must be covered with logs."

"Explosives shall be used only of such character and strength as may be permitted by the Rapid Transit Board."

"No larger quantity of explosives shall be kept on the line of the work than will be actually required for twelve hours' work next ensuing, and such supplies shall be divided as far as possible and kept under lock and key, the key being only in the hands of the foreman or other equally trustworthy person."

"The amount of explosives kept in any one place shall not exceed the limit permitted by any ordinance of the city or as may be determined by the Board."

"Caps and exploders shall not be kept in the same place with dynamite and other explosives during freezing weather."

"SPECIAL PRECAUTION SHALL BE TAKEN AS TO THE CARE AND MANIPULATION OF DYNAMITE."

"The contractor admits and covenants to and with the city that the plans and specifications and other provisions of this contract for this construction, if the work be done without fault or negligence on the part of the contractor, do not involve any danger to the foundations, walls or other parts of adjacent buildings or structures, and THE CONTRACTOR SHALL AT HIS OWN EXPENSE MAKE GOOD ANY DAMAGE that shall in the course of construction be done to any such foundations, walls or other parts of adjacent buildings or structures."

"The contractor shall during the performance of the work safely maintain the traffic on all streets, avenues, highways, parks or other public places in connection with the work and take all necessary precautions to place proper guards for the prevention of accidents, and indemnify and save harmless the city against and from all damages or costs to which it may be put by reason of injury to the person or property of another or others resulting from negligence or carelessness in the performance of the work or from guarding the same, or from any improper materials used in its construction, or by or on account of any act or omission of the contractor or agents thereof."

"The contractor shall be responsible for all damage which may be done to building property or buildings or structures thereon."

dynamite it would be lawful to have in our shanty. The limit of sixty-two pounds applies to dynamite in storage."

"At the beginning of the day this was the full limit which Mr. Shaler

(Continued on Second Page.)

GUTHRIE HEARS COURT CRITICISM.

CASE OF MAN WHO HAS JUST REMARRIED NOT LIKED.

Divorce from Wife No. 1 Not Well Based and Case May Be Reopened.

NEWARK, N. J., Jan. 28.—Vice-Chancellor Stevens ordered Peter M. Guthrie in court to-day for the way in which he secured a divorce from his first wife, Mrs. Annie Guthrie, of Boston, before he married Miss Elizabeth Fryling, a society belle, of Newark. This wedding took place New Year's Day, and it was the first intimation Mrs. Guthrie No. 1 says she had that any divorce had ever been granted. She is now asking the Court to have the case reopened.

The papers and a transcript of the evidence taken in the divorce case were carefully examined by the Vice-Chancellor, who remarked that he was surprised to find that there had been no corroborative evidence of the alleged desertion and evidence that only a slim search was made for the defendant in the case.

The desertion was not proven, he held, and added that the affidavits clearly indicated fraud on the part of Guthrie, as he had corresponded with his wife and had visited her during the time the desertion was alleged and had received visits from the woman's relatives.

As a remarriage had occurred, Vice-Chancellor said they would have to proceed with great caution. He allowed two weeks in which Guthrie counsel will receive copies of the affidavits and letters filed.

IN NASTURTIUM'S STALL.

J. N. Camden, Jr.'s, Stallion Mazagan Arrives from England.

Mazagan, the six-year-old bay horse purchased recently by J. N. Camden, Jr., of Versailles, Ky., arrived from England yesterday on the Minnehaha.

He occupied the stall that Nasturtium was shipped abroad in. He is by Nasturtium and is closely related to Ormonde and Orme, and Masterton is by Bend Or.

EASTERN LEAGUE AWARDS.

At a meeting of the Eastern League held in Jersey City, the franchisees for Buffalo and Jersey City were awarded. The Bison team will be run by George Stallings, while Jersey City's nine will be conducted by the New Jersey Exhibition Company, just incorporated under the State laws. The latter team will be managed by "Tom" Burns, formerly of the Chicago club.

BOYD AND ACCUSER HELD BY POLICE.

BEVERLY TAKEN AS WITNESS IN WHITE PLAINS MURDER.

Police Sure They Have the Right Man—Reward of \$500 Offered for Guilty One.

WHITE PLAINS, Jan. 28.—The police of this village are positive to-day that they now have the real murderer of Mrs. Joseph Allen in the person of Frank Boyd, the colored man, arrested yesterday. Boyd boarded a Silver Lake trolley car near the place of the murder on last Thursday and met Peter Beverly, another colored man, on the car.

"I have just murdered a woman," Boyd told him.

Boyd was drunk and he quickly disappeared. He returned to his home yesterday, which had been watched since his disappearance. He was then taken into custody. Last night it was thought best to arrest Beverly, and he is held as a witness.

Several detectives are still working on the case under the direction of Chief Carpenter, and they say they have evidence that Mrs. Allen was killed by three colored men.

The county has offered a reward of \$500 for the arrest and conviction of the murderer.

BOAT FROM THE CONDOR?

One Found Believed to Be from the Long-Missing Warship.

VICTORIA, B. C., Jan. 28.—The steamer Queen City, which arrived at Alberni last night, reports that Indians at Ahoussett have found a small boat which is believed to belong to the missing sloop of war Condor. It is clinker built and painted white.

News of other wreckage is reported by the Queen City, the finding of which will cause grave anxiety for the salmon ship Red Rock, which sailed from Royal Roads Nov. 25, four days before the gale which sank the Mattawan.

Reception at Louisville.

LOUISVILLE, Ky., Jan. 28.—Elaborate preparations have been made by the Louisville Knights Templars and Board of Trade for the reception and entertainment of Rear-Admiral and Mrs. Schley, who will arrive from Chicago tonight.

When Admiral Schley reaches Union station a salute of fifteen guns will be fired and the Admiral and Mrs. Schley will be escorted to the residence of Marion Taylor, President of the Board of Trade, at whose home they will remain during their stay here.

STRICKEN CHILD ORDERED TO COURT.

ON NORTH BROTHMER ISLAND DESPITE RULING.

Doctors Disagree, One Saying She Has Small-Pox, Others that She Has Not.

IF MILLS Faddick, the five-year-old daughter of William C. Faddick, of Flushing, L. I., really has small-pox, as she is alleged to have by Dr. Hendrickson, of Jamaica, there is likely to be considerable excitement in the Supreme Court in Long Island City to-morrow.

Supreme Court Judge Dickey to-day granted a writ of habeas corpus, ordering the Board of Health to produce the child, who is now on North Brother Island, in court to-morrow.

Three physicians, Drs. Joseph L. Hicks, Joseph E. Bloodgood and William A. Allen, have diagnosed the girl's malady as chicken-pox, but Dr. Hendrickson insisted that she had small-pox, and the Board of Health ordered her removal to North Brother Island.

The child was taken to the island notwithstanding the fact that Clinton R. Smith, counsel for her father, secured an injunction from Judge Garrett restraining the board from taking such action.

NOT AN ACID PATIENT.

But Bellevue Doctor Found Use for His Stomach Pump.

Dr. Williams, an ambulance surgeon at Bellevue Hospital, in response to a hurry call from No. 144 Lexington avenue, supposed to be a case of carbolic acid poisoning, drove in great haste to that address to-day, armed with a stomach pump and other necessities. The house is occupied by Dr. Mary E. Nutter, her brother, John H. Nutter, and their father, George E. Nutter. The latter is sixty-one years old and he was the subject of the hurry call. In his room the father was rolling on a sofa, groaning with pain in his stomach. A strong odor of carbolic acid filled the room.

Dr. Williams said the patient was suffering from alcoholism, but used his stomach pump with good effect.

Leaves for Schley on His Journey.

LAFAYETTE, Ind., Jan. 28.—A thousand persons were at the railroad station to greet Admiral Schley during the short stop of the Union train here to-day. The Purdue College yell was given. All along the line after leaving Chicago the Admiral was compelled to appear on the rear platform of his car in response to cheers. He shook hands with as many as possible, but made no speeches.

KERN GETS CELL IN "MURDERERS' ROW."

HIS SPIRITS SINK AND HE BROODS IN THE TOMBS.

Thieving Valet Now Slowly in Appearance—Pleaded Not Guilty When He Was Arraigned.

Dirty and unkempt in appearance and very downcast and sorry in manner, Edward Kern, jr., the valet who stole \$10,000 worth of Paul Gilbert Thebaud's jewelry was taken to the Tombs this afternoon.

Kern arrived from New Orleans yesterday in charge of Detective-Sergeant Kelly, of Capt. Pius's staff, on arraignment he pleaded not guilty.

At the prison this afternoon he was given a cell in "Murderers' Row."

He appeared to take his confinement very much to heart and refused to talk to any person. Instead of availing himself of the freedom of the corridors, as do the other prisoners, Kern slid into a corner of his cell and sat there, his face resting in his hands.

None of his former acquaintances was at the Tombs to greet him.

BILL TO TUNNEL HUDSON RIVER.

PENNSYLVANIA ROAD ASKS CONCESSIONS.

(Special to The Evening World.)

TRENTON, N. J., Jan. 28.—Senator McCarter introduced a bill in the Senate this afternoon in behalf of the Pennsylvania Railroad authorizing the formation of subsidiary companies for the purpose of constructing a tunnel under the Hudson River.

Authority is given to construct the necessary approaches on the New Jersey shore and tunnel to the middle of the river or so much thereof as the State of New Jersey may have control of.

No authority is given for surface lines on either shore, and the bill is fixed as to the time to complete the work.

The test of an ad is the profit therefrom. Sunday World Wants stand the test.

HANGING CLOTHES KILLS YOUNG WOMAN.

LINE BREAKS AND SHE FALLS FROM FOURTH STORY.

Decent Checked by a Shed, but Girl Is Dead Before Ambulance Comes.

Eva Davis, twenty-three years old, fell from the rear window of the fourth floor at No. 145 East One Hundred and Eleventh street this morning, and was killed almost instantly.

She was hanging out clothes, and leaned a bit too heavily on the rope. It broke, and she fell two stories to a shed which projected from the second floor.

In the rear of the second floor Dr. A. J. Koiles has his dental office. He was standing at the window when the body of the girl fell in front of him. He at once took her into his office and sent for a call for an ambulance.

Miss Davis was dead before the ambulance arrived. She was a daughter of Donald Davis, a boot and shoe dealer, at No. 347 Third Ave.

BACKS THE OFFICER WHO SHOT FILIPINO.

ROOT OVERTURNS SENTENCE OF LIEUT. BROWN.

(Special to The Evening World.)

WASHINGTON, Jan. 28.—Secretary Root today acted on the case of Lieut. Preston Brown, Second Infantry, who was sentenced by a court-martial to be dismissed the service for an alleged serious violation of the regulations.

Although the circumstances of the case are not altogether thoroughly established it appears from the evidence that Lieut. Brown shot a native Filipino because he allowed an American soldier to drown when he might easily have saved his life.

Secretary Root takes the ground that Lieut. Brown's action in the matter, while not justifiable, was excusable under all the circumstances, and he therefore recommended that the sentence of dismissal be commuted so as to provide the Lieut. Brown with two thirty-five months in his grade and that he shall forfeit one-half of his pay for a period of nine months.

BOARD TELLS GROUT THERE ARE OTHERS.

BOROUGH PRESIDENTS SNUB THE COMPTROLLER.

Have Him Revoke a Resolution that Be He Judge of Patented Articles.

Comptroller Grout surprised the Borough Presidents on the Board of Estimate and Apportionment this afternoon by offering a resolution.

"To refer to the Comptroller all contracts for patented articles to be purchased by the city to determine if the public interests are safeguarded in the matter."

"Read that over again," said Borough President Center. "It seems to give the Comptroller greatly augmented powers."

"I can read easily," said Borough President Swanstrom. "We want to have something to say in this administration."

Comptroller Grout, apparently somewhat nettled, grabbed the resolution and changed the words "to determine" to "in report to this board."

All the Borough Presidents smiled in unison, and the resolution was adopted.

ELEVATED TRAIN JUMPS THE TRACK.

CAUSES BLOCKADE ON THIRD AVENUE SYSTEM.

(Special to The Evening World.)

The forward axle of a Third Avenue "L" train broke when it was coming along the One Hundred and Forty-ninth street station at 11:20 o'clock this morning.

The passengers were put off the train and the engine started to take the dead train back to the yard.

Doing so, the One Hundred and Sixty-first street curve the train jumped the track, and there was a blockade that lasted until 1:15 P. M.

No one was hurt by the derailment.

To Cure a Cold in One Day

Take Laxative Broom Quinine Tablets. All druggists sell them. E. W. Howe's signature is on each box. 25c.

Advertise houses, homes and apartments for sale in the Sunday World.